

November 8, 2019

Via ECF

Honorable Lorna G. Schofield
U.S. District Court
Southern District of New York
Thurgood Marshall Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Foreign Exchange Benchmark Rates Antitrust Litigation*
Case No. 1:13-cv-07789-LGS

Dear Judge Schofield:

Pursuant to the Third Amended Civil Case Management Plan and Scheduling Order entered in this action (“Scheduling Order”) (ECF No. 1351), Plaintiffs and Credit Suisse Securities (USA) LLC, Credit Suisse Group AG, and Credit Suisse AG (“Credit Suisse”) submit this joint status letter.

I. Pending Motions

There are no motions currently pending.

II. Discovery

A. Depositions

On November 1, 2019, the Department of Justice (“DOJ”) filed a letter with the Court (ECF No. 1364) apprising the Court of the status of the criminal trial, *U.S. v. Aiyer* (18-cr-333), and requesting that the deposition discovery stay remain in place at least through the conclusion of the trial. The DOJ plans to submit a letter apprising the Court of the status of the trial no later than December 6, 2019. Depositions of fact witnesses not affected by the DOJ stay are ongoing, with depositions planned or taking place in the United States and abroad. Plaintiffs are continuing to negotiate with the DOJ to limit the number of individuals affected by the stay. To date, Credit Suisse has taken 27 depositions of the Plaintiffs and/or their investment advisors. Plaintiffs have taken 35 fact depositions. Of the 35 fact depositions taken by Plaintiffs, 12 witnesses invoked the Fifth Amendment protection against self-incrimination.

B. Credit Suisse

Audio: Credit Suisse began its rolling production of audio files on July 31, 2019. Following this initial production, on August 20, 2019, Plaintiffs raised an issue with Credit Suisse regarding the metadata that accompanied the production, as it materially differed from metadata that accompanied previously produced audio samples. On October 4, 2019, Credit Suisse confirmed that certain metadata fields are not available after restoration. Plaintiffs are processing Credit Suisse’s most recent production and evaluating their options with respect to obtaining additional metadata.

Honorable Lorna G. Schofield
November 8, 2019
Page 2

III. Appeal of Order on Attorneys' Fees

On November 1, 2019, the Second Circuit issued a Summary Order and Judgment affirming the Court's Order and Opinion.

IV. Next Joint Status Letter

The parties will submit their next joint status letter on Friday, January 10, 2020.

Respectfully submitted,

SCOTT+SCOTT ATTORNEYS
AT LAW LLP

HAUSFELD LLP

s/ Christopher M. Burke
Christopher M. Burke
600 W. Broadway, Suite 3300
San Diego, CA 92101
Telephone: 619-233-4565
cburke@scott-scott.com

s/ Michael D. Hausfeld
Michael D. Hausfeld
1700 K Street, NW, Suite 650
Washington, DC 20006
Telephone: 202-540-7200
mhausfeld@hausfeld.com

Attorneys for Plaintiffs

CAHILL GORDON & REINDEL LLP

s/ Jason M. Hall
David G. Januszewski
Herbert S. Washer
Elai Katz
Jason M. Hall
Sheila C. Ramesh
80 Pine Street
New York, NY 10005
Telephone: 212-701-3000
djanuszewski@cahill.com
hwasher@cahill.com
ekatz@cahill.com
jhall@cahill.com
sramesh@cahill.com

*Attorneys for Defendants Credit Suisse Group
AG, Credit Suisse AG, and Credit Suisse
Securities (USA) LLC*